

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**OSCAR SOTO RODRÍGUEZ  
DEBTOR**

**CASE NO. 18-05210 BKT**

**CHAPTER 13**

**REPLY TO DEBTOR'S RESPONSE TO  
CREDITOR'S MOTION TO DISMISS CASE (DOCKET ENTRY N O. 45)**

**TO THE HONORABLE COURT:**

**COMES NOW** creditor, DESIRAY DÍAZ MALDONADO through the undersigned attorney, and very respectfully states and prays as follows:

1. On October 8<sup>th</sup>, 2018 creditor Desiray Díaz Maldonado filed a Motion Requesting Dismissal of Case. [See docket entry no. 35]. In this motion the creditor states that the debtor has two (2) domestic support obligations (DSO) with the creditor and an obligation to pay- as part of his DSO obligation- the mortgage of the residence where the creditor and the minors reside as per State Court Order. See docket entry no. 35.
2. The debtor has replied to creditors motion requesting dismissal alleging that although the real property belongs only to him, he has provided for the relief from stay as he is not able to comply with the mortgage loan payments. [See docket entry no. 45] The debtor also alleges in his motion that he had undergone loss mitigation process in which he had not been able to comply. The debtor stated that he no longer can pay for the property which the creditor occupies.
3. The creditor informs this Honorable Court that as per Sate Court Order in the civil case ECU2015-0400 he has an obligation to make the monthly payment of the mortgage for the residence in which the two (2) minors reside. That is why he was and still is entitled to

retain the amount of \$625.00 per month from the monthly DSO payment.

4. The debtor has not provided any evidence of the reversal of the State Court Order or any other evidence which sustains that the State Court Order has been set aside.

5. The creditor requests from this Honorable Court to consider the Motion Requesting Dismissal of the Case (docket entry no. 35) for the debtor's failure to comply with section 1307(c)(11) of the Bankruptcy Code and grant the Order of Dismissal along with any other order it deems just or proper.

**WHEREFORE**, creditor requests from this Honorable Court to consider the Motion Requesting Dismissal of the Case (docket entry no. 35) and grant the Order of Dismissal along with any other order it deems just or proper

**RESPECTFULLY SUBMITTED**

In Caguas, Puerto Rico, this 17<sup>th</sup> day of November 2018.

**NOTICE:** Within **fourteen (14) days** after service as evidenced by the certification, and an additional **three (3) days** pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE:** I CERTIFY that on this same date the foregoing document has been electronically filed WITH THE Clerk of the Court using the CM/ECF system which sends notification of such filing to all system's participants and the U.S. Trustee's Office and the Trustee.

**/s/ CARLOS A. RUIZ RODRIGUEZ**  
USDC-PR 210009  
Attorney for Debtor  
**Lcdo. Carlos Alberto Ruiz, CSP**  
P.O. Box 1298, Caguas, PR 00726-1298  
Phone: (787) 286-9775 / Fax: (787) 747-2174  
carlosalbertoruizquiebras@gmail.com